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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/285,632 04/02/99 BECKER

N GC530-2

HM22/0604

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EXAMINER

TRAN, S

ART UNIT

PAPER NUMBER

1615

DATE MAILED:

06/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

# Office Action Summary

Application No.  
**09/285,632**

Applicant(s)

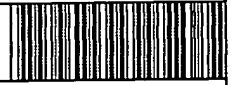
**Becker et al.**

Examiner

**Susan Tran**

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**1615**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Apr 2, 2001

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 22-58 is/are pending in the application.

4a) Of the above, claim(s) 28-40, 43-45, and 49 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 22-27, 41, 42, 46-48, and 50-58 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### **DETAILED ACTION**

Receipt is acknowledged of applicants' Declaration and Surcharge filed 06/07/99, Information Disclosure Statement filed 08/13/99, Power of Attorney filed 08/13/99, Request for Extension of Time filed 11/06/00 and 04/02/01, Amendment A filed 11/06/00, Amendment B filed 04/02/01, and Election filed 04/02/01.

#### ***Election/Restriction***

Applicant's election without traverse of Group I, claims 22-27, 41, 42, 46-48, and 50-52 in Paper No. 11 is acknowledged.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-27, 41, 46-48, and 50-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshlack et al. US 5,639,476.

Oshlack teaches a pharmaceutical formulation in the form of tablets, beads, seeds, or granules that can be coated with a coating composition comprising water-insoluble hydrophobic polymer (column 5, lines 56-67; and column 7, lines 35 through column 8, lines 1-19), water-

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soluble hydrophilic polymers (column 10, lines 45-60), modified starch (column 11, lines 12-41), and plasticizer (column 12, lines 29 through column 14, lines 1-40).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-27, 41, 42, 46-48, and 50-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshlack. In the event that applicants overcome the 102(b) rejection above, the Examiner is relying on the 103(a) rejection.

Oshlack is relied upon for the reasons stated above. Regarding to claim 42, Oshlack is silent as to the disclosing of enzyme. However, Oshlack teaches a cleansing agent including deodorant, surfactant, germicide, and sanitizer. Hence, it would have been prima facie obvious for one of the ordinary skill in this art to, by routine experimentation determine suitable cleansing agent including enzyme. The reason for this modification is to obtain a stable coated composition that is useful in the pharmaceutical and cosmetic arts.

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***Response to Arguments***

3. Applicant's arguments filed 11/06/00 have been fully considered but they are not persuasive.

Applicant argues that although Oshlack teaches various components of the claimed coating such as plasticizing, modified starch, and polymer but as a whole does not disclose the claimed invention, because Oshlack's coating composition includes aqueous dispersion of a hydrophobic acrylic polymer. Contrary to the applicant's argument, applicant's generic claim language does not exclude the use of other components such as hydrophobic acrylic polymer.

***Pertinent Arts***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haasmaa et al. is cited as being of interest for teaching a coating composition comprising modified starch, and plasticizer.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Tran whose telephone number is (703) 306-5816. The examiner can normally be reached on Monday through Thursday from 6:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

THURMAN K. PAGE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600